

Environmental Protection Agency

§ 63.1261

same schedule as the periodic reports required under paragraph (g) of this section instead of the schedule specified in § 63.10(d)(5)(i). Reports are only required if a startup, shutdown, or malfunction occurred during the reporting period.

(2) Any time an owner or operator takes an action that is not consistent with the procedures specified in the affected source's startup, shutdown, and malfunction plan, the owner or operator shall submit immediate startup, shutdown, and malfunction reports as specified in § 63.10(d)(5)(ii).

(j) *Reports of LDAR programs.* The owner or operator of any affected source implementing the LDAR program specified in § 63.1255 of this subpart shall implement the reporting requirements in § 63.1255 of this subpart. Copies of all reports shall be retained as records for a period of 5 years, in accordance with the requirements of § 63.10(b)(1).

(k) *Reports of emissions averaging.* The owner or operator of any affected source that chooses to comply with the requirements of § 63.1252(d) shall submit the implementation plan described in § 63.1259(e) 6 months prior to the compliance date of the standard and the following information in the periodic reports:

(1) The records specified in § 63.1259(e) for each process or storage tank included in the emissions average;

(2) All information as specified in paragraph (g) of this section for each process or storage tank included in the emissions average;

(3) Any changes of the processes or storage tanks included in the average.

(4) The calculation of the overall percent reduction efficiency for the reporting period.

(5) Changes to the Implementation Plan which affect the calculation methodology of uncontrolled or controlled emissions or the hazard or risk equivalency determination.

(6) Every second semiannual or fourth quarterly report, as appropriate, shall include the results according to § 63.1259(e)(4) to demonstrate the emissions averaging provisions of §§ 63.1252(d), 63.1257(g) and (h), 63.1258(f), and 63.1259(f) are satisfied.

(l) *Notification of performance test and test plan.* The owner or operator of an affected source shall notify the Administrator of the planned date of a performance test at least 60 days before the test in accordance with § 63.7(b). The owner or operator also must submit the test plan required by § 63.7(c) and the emission profile required by 63.1257(b)(8)(ii) with the notification of the performance test.

(m) *Request for extension of compliance.* An owner or operator may submit to the Administrator a request for an extension of compliance in accordance with § 63.1250(f)(4).

[63 FR 50326, Sept. 21, 1998, as amended at 65 FR 52614, Aug. 29, 2000; 66 FR 40135, Aug. 2, 2001]

§ 63.1261 Implementation and enforcement.

(a) This subpart can be implemented and enforced by the U.S. EPA, or a delegated authority such as the applicable State, local, or Tribal agency. If the U.S. EPA Administrator has delegated authority to a State, local, or Tribal agency, then that agency, in addition to the U.S. EPA, has the authority to implement and enforce this subpart. Contact the applicable U.S. EPA Regional Office to find out if implementation and enforcement of this subpart is delegated to a State, local, or Tribal agency.

(b) In delegating implementation and enforcement authority of this subpart to a State, local, or Tribal agency under subpart E of this part, the authorities contained in paragraph (c) of this section are retained by the Administrator of U.S. EPA and cannot be transferred to the State, local, or Tribal agency.

(c) The authorities that cannot be delegated to State, local, or Tribal agencies are as specified in paragraphs (c)(1) through (4) of this section.

(1) Approval of alternatives to the requirements in §§ 63.1250 and 63.1252 through 63.1256. Where these standards reference another subpart, the cited provisions will be delegated according to the delegation provisions of the referenced subpart.

(2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and

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(f), as defined in § 63.90, and as required in this subpart.

(3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart.

(4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.

[68 FR 37356, June 23, 2003]

TABLE 1 TO SUBPART GGG OF PART 63—GENERAL PROVISIONS APPLICABILITY TO SUBPART GGG

General provisions reference	Summary of requirements	Applies to sub-part GGG	Comments
63.1(a)(1)	General applicability of the General Provisions.	Yes	Additional terms defined in § 63.1251; when overlap between subparts A and GGG of this part, subpart GGG takes precedence.
63.1(a)(2–7)	Yes	Discusses state programs.
63.1(a)(8)	No	
63.1(a)(9–14)	Yes	
63.1(b)(1)	Initial applicability determination	Yes	Subpart GGG clarifies the applicability in § 63.1250.
63.1(b)(2)	Title V operating permit—see part 70	Yes	All major affected sources are required to obtain a title V permit.
63.1(b)(3)	Record of the applicability determination	Yes	All affected sources are subject to subpart GGG according to the applicability definition of subpart GGG.
63.1(c)(1)	Applicability after standards are set	Yes	Subpart GGG clarifies the applicability of each paragraph of subpart A to sources subject to subpart GGG.
63.1(c)(2)	Title V permit requirement	No	All major affected sources are required to obtain a title V permit. Area sources are not subject to subpart GGG.
63.1(c)(3)	Reserved	
63.1(c)(4)	Requirements for existing source that obtains an extension of compliance.	Yes	
§ 63.1(c)(5)	Notification requirements for an area source that increases HAP emissions to major source levels.	Yes	
63.1(d)	[Reserved]	NA	
63.1(e)	Applicability of permit program before a relevant standard has been set.	Yes	
63.2	Definitions.	Yes	
63.3	Units and abbreviations.	Yes	Other units used in subpart GGG are defined in that subpart.
63.4	Prohibited activities.	Yes	Except replace the terms “source” and “stationary source” with “affected source”.
63.5(a)	Construction and reconstruction—applicability.	Yes	
63.5(b)(1)	Upon construction, relevant standards for new sources.	Yes	
63.5(b)(2)	[Reserved]	NA	Except for changes and additions authorized under § 52.2454 of this title. However, the requirement to submit the Precompliance report at least 90 days before the compliance date still applies.
63.5(b)(3)	New construction/reconstruction	Yes	
63.5(b)(4)	Construction/reconstruction notification ..	Yes	
63.5(b)(5)	Construction/reconstruction compliance	Yes	Except for certain provisions identified in 63.1259(a)(5)
63.5(b)(6)	Equipment addition or process change ..	Yes	
63.5(c)	[Reserved]	NA	
63.5(d)	Application for approval of construction/reconstruction.	Yes	Except replace “source” with “affected source”.
§ 63.5(e)	Construction/reconstruction approval	Yes	
63.5(f)	Construction/reconstruction approval based on prior State review..	Yes	
63.6(a)(1)	Compliance with standards and maintenance requirements.	Yes	